

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 21, 2017 at 8:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Carlie Boland (D)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Scott Sales (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 276, 2/14/2017; SB 230, 2/14/2017; SB 258, 2/16/2017; SJ 15, 2/18/2017
Executive Action: SB 203-Do Pass As Amended, SB 282-Do Pass As Amended, SB 286-Do Pass, SB 293-Do Pass As Amended, SJ 15-Do Pass, SB 288-Tabled

HEARING ON SJ 15

Opening Statement by Sponsor:

00:01:02 Sen. David Howard (R), SD 29, opened the hearing on SJ 15, Resolution
opposing a proposed Montana Supreme Court rule.

[EXHIBIT\(jus38a01\)](#)

[EXHIBIT\(jus38a02\)](#)

Proponents' Testimony:

00:16:47 James Rigby, attorney, Billings

00:18:43 Brief Recess (technical difficulties)

00:24:27 Reconvene

00:24:37 Mr. Rigby

00:45:08 Walter Deege, self

[EXHIBIT\(jus38a03\)](#)

00:48:28 Kim Milburn, retired colonel, United States Air Force

[EXHIBIT\(jus38a04\)](#)

00:52:04 John Eidsmoe, Foundation for Moral Law

00:57:12 Bob Leach, self

01:01:13 Jeff Laszloffy, Montana Family Foundation

01:03:01 Matthew Monforton, self

[EXHIBIT\(jus38a05\)](#)

01:05:22 Sen. Sands

01:05:27 Chairman Regier

01:05:40 Steve Bostrom, self

01:10:15 Mark Cramer self

01:12:36 Chuck Paste, self

01:13:00 Chris Tootell, self

01:15:35 Terry Forke, pastor, Montana District Lutheran Synod Church

01:16:50 Michael McGovern, pastor, Christian Assembly, Missoula

01:18:54 Gregory Ammondson, pastor, Dayspring Church, Florence

01:20:10 Edwin Halland, self, Bridger

[EXHIBIT\(jus38a06\)](#)

01:21:37 Richard Pence, member, Montana Pastors Network

[EXHIBIT\(jus38a07\)](#)

Opponents' Testimony:

01:22:46 S. K. Rossi, director, Advocacy and Policy, ACLU

01:27:59 Robin Turner, Public Policy and Legal director, Montana Coalition Against
Domestic and Sexual Violence

01:30:20 Kim Leighton, regional director, Montana PRIDE Foundation

01:31:56 Jules Shindel, Montana Human Rights Network
01:33:11 Patricia Decker, self, Red Lodge

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

01:34:03 Sen. Howard

Vice Chair Fielder assumed the role of Chair.

HEARING ON HB 276

Opening Statement by Sponsor:

01:43:23 Rep. Edward Greef (R), HD 88, opened the hearing on HB 276, Revise reimbursement for pharmacies.

Proponents' Testimony:

01:47:07 Paul Brand, owner, Brand Pharmacy; chairman, Montana Pharmacy Association (MPA)

Chairman Regier resumed the role of Chair.

01:53:14 Tony King, manager, Geneva Pharmacy
[EXHIBIT\(jus38a08\)](#)

01:57:36 Brian Heeney, pharmacist, St. Peter's Hospital; member, Montana Pharmacy Association (MPA)

02:02:29 Josh Morris, self, owner, Elkhorn Pharmacy, Boulder; Colstrip Family Pharmacy, Colstrip; Whitehall Drug, Whitehall; Silvertip Pharmacy, West Yellowstone; Montana Pharmacy Association

02:05:56 Stuart Doggett, Montana Pharmacy Association (MPA); also for Western Drug

Opponents' Testimony:

02:07:36 Maral Farsi, CVS Health (CVS)

02:13:18 David Root, Prime Therapeutics (PT)

02:27:27 Bruce Spencer, Express Scripts, Inc.; America's Health Insurance Plans

[EXHIBIT\(jus38a09\)](#)

[EXHIBIT\(jus38a10\)](#)

02:32:13 Frank Cote, vice president, Sales, Blue Cross Blue Shield of Montana (BCBSMT)

02:36:21 Kendall Cotton, Policy administrator, Office of the Montana State Auditor,
Commissioner of Securities and Insurance

Informational Testimony:

None

Questions from Committee Members and Responses:

02:38:05 Sen. Sands
02:38:23 Mr. Cote, BCBSMT
02:38:50 Mr. Doggett, MPA
02:39:49 Sen. Sands
02:39:52 Mr. Cote
02:40:43 Sen. Sands
02:40:50 Rep. Greef
02:41:21 Sen. Vincent
02:41:44 Mr. Doggett
02:42:04 Sen. Vincent
02:42:17 Mr. Morris, self
02:43:03 Sen. Vincent
02:43:33 Mr. Doggett
02:45:08 Sen. Vincent
02:45:41 Mr. Root, PT
02:48:06 Sen. Vincent
02:48:26 Mr. Morris
02:50:10 Sen. Swandal
02:50:42 Mr. Root
02:51:28 Sen. Hinkle
02:51:48 Mr. Root
02:52:33 Sen. Vincent
02:52:53 Mr. Heeney, MPA
02:55:44 Sen. Vincent
02:55:51 Ms. Farsi, CVS
02:57:05 Sen. Vincent
02:57:26 Rep. Greef
02:58:49 Sen. Fielder
02:59:24 Mr. Brand, MPA
03:00:16 Sen. Gross
03:01:19 Rep. Greef
03:01:42 Mr. Morris

Closing by Sponsor:

03:03:48 Rep. Greef

HEARING ON SB 230

Opening Statement by Sponsor:

03:06:44 Sen. Margaret (Margie) MacDonald (D), SD 26, opened the hearing on SB 230, Revise laws related to commitments to the Department of Corrections.

Proponents' Testimony:

03:10:00 Adrienne Slaughter, director, Government Relations, Department of Corrections

03:13:49 Kevin Olson, administrator, Probation and Parole Division, Department of Corrections (DOC)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

03:16:02 Sen. Vincent

03:16:15 Sen. MacDonald

03:18:31 Mr. Olson, DOC

Closing by Sponsor:

03:20:29 Sen. MacDonald

HEARING ON SB 258

Opening Statement by Sponsor:

03:21:08 Sen. Nels Swandal (R), SD 30, opened the hearing on SB 258, Provide a procedure for electronically issued search warrants.

[EXHIBIT\(jus38a11\)](#)

Proponents' Testimony:

03:23:01 Mark Murphy, Montana County Attorneys Association

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

03:24:04 Sen. Swandal

03:24:21 Brief Recess

03:29:31 Reconvene

EXECUTIVE ACTION ON SB 203

03:29:51 **Motion:** Sen. Swandal moved that **SB 203 DO PASS.**

03:30:26 **Motion:** Sen. K. Regier moved that **SB 203 BE AMENDED.**
[EXHIBIT\(jus38a12\)](#)

Discussion:

03:31:18 Sen. Gross

03:31:39 Sen. Swandal

03:31:50 **Vote:** Motion carried 10-1 by voice vote with Sen. Fielder voting no. Sen. S. Sales voted by proxy.

03:32:06 **Motion:** Sen. Swandal moved that **SB 203 DO PASS AS AMENDED.**

Discussion:

03:32:21 Todd Everts, Legislative Services Division

03:34:20 Chairman Regier

03:34:48 **Motion:** Sen. Vincent moved that **SB 203 BE AMENDED.**
[EXHIBIT\(jus38a13\)](#)

Discussion:

03:36:00 Sen. Swandal

03:36:45 Without objection, Sen. Vincent withdrew the BE AMENDED motion.

03:37:00 **Motion:** Sen. Vincent moved that **SB 203 BE AMENDED BY SECTION 2 ONLY OF AMENDMENT SB0020302.ATE**

Discussion:

03:37:25 Sen. Hinebauch

03:38:45 Sen. Swandal

03:39:04 **Vote:** Motion carried 10-1 by voice vote with Sen. Gross voting no. Sen. S. Sales voted by proxy.

03:39:20 **Motion:** Sen. Swandal moved that **SB 203 DO PASS AS AMENDED.**

03:39:26 **Motion:** Sen. K. Regier moved that **SB 203 BE AMENDED.**
[EXHIBIT\(jus38a14\)](#)

Discussion:

03:39:48 Sen. Swandal

03:39:54 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

03:40:05 **Motion:** Sen. Swandal moved that **SB 203 DO PASS AS AMENDED.**

Discussion:

03:40:14 Sen. Fielder

03:41:23 Chairman Regier

03:42:11 Sen. Hinkle

03:42:41 Sen. Hinebauch

03:44:56 Sen. MacDonald

03:47:22 Sen. Hinkle

03:48:00 Sen. Vincent

03:49:23 Sen. Boland

03:49:53 Sen. Fielder

03:50:35 **Vote:** Motion carried 6-5 by roll call vote with Sen. Fielder, Sen. Hinebauch, Sen. Hinkle, Sen. S. Sales and Sen. Vincent voting no. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 282

03:51:22 **Motion:** Sen. Fielder moved that **SB 282 DO PASS.**

03:51:50 **Motion:** Sen. Fielder moved that **SB 282 BE AMENDED.**
[EXHIBIT\(jus38a15\)](#)

Discussion:

03:52:10 Chairman Regier

03:54:29 Sen. Sands

03:54:38 Sen. Hinkle

03:55:17 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales voted by proxy.

03:55:56 **Motion/Vote:** Sen. Fielder moved that **SB 282 DO PASS AS AMENDED**.
Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen.
MacDonald and Sen. Sands voting no. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 286

03:56:39 **Motion:** Sen. Fielder moved that **SB 286 DO PASS**.

Discussion:

03:57:07 Sen. Swandal

03:58:04 **Vote:** Motion carried unanimously by roll call vote. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 288

03:58:23 **Motion:** Sen. Fielder moved that **SB 288 DO PASS**.

Discussion:

03:58:37 Sen. Sands

03:58:50 Sen. Swandal

03:59:18 **Vote:** Motion failed 3-8 by roll call vote with Sen. Fielder, Sen. Hinkle and Sen.
K. Regier voting aye. Sen. S. Sales voted by proxy.

03:59:48 **Motion/Vote:** Sen. Fielder moved that **SB 288 BE TABLED AND THE VOTE
REVERSED**. Motion carried unanimously by voice vote. Sen. S. Sales voted by
proxy.

EXECUTIVE ACTION ON SB 293

04:00:19 **Motion:** Sen. Fielder moved that **SB 293 DO PASS**.

04:01:02 **Motion:** Sen. Fielder moved that **SB 293 BE AMENDED**.
[EXHIBIT\(jus38a16\)](#)

Discussion:

04:01:34 Todd Everts, Legislative Services Division

04:02:09 Sen. Vincent

04:02:24 **Vote:** Motion carried 10-1 by voice vote with Sen. Hinkle voting no. Sen. S.
Sales voted by proxy.

04:02:39 **Motion:** Sen. Fielder moved that **SB 293 DO PASS AS AMENDED**.

04:02:44 **Motion/Vote:** Sen. Fielder moved that **SB 293 BE AMENDED**. Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

EXHIBIT(jus38a17)

04:03:42 **Motion:** Sen. Fielder moved that **SB 293 DO PASS AS AMENDED**.

Discussion:

04:03:53 Sen. Vincent

04:04:11 Sen. Swandal

04:04:23 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SJ 15

04:05:37 **Motion:** Sen. Fielder moved that **SJ 15 DO PASS**.

Discussion:

04:05:52 Sen. Sands

04:06:03 Sen. Fielder

04:08:05 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales voted by proxy.

ADJOURNMENT

Adjournment: 12:16 P.M.

Pam Schindler, Secretary

ps

Additional Documents:

EXHIBIT([jus38aad.pdf](#))